

IN THE UNITED STATES COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

NENE THOMAS INCORPORATED,)
an Oklahoma corporation,)

Plaintiff,)

v.)

Case No.: CIV-06-169-M

A.V.E.L.A., Inc.,)
a Nevada corporation,)

Defendant.)

Joint Motion to Re-Open Case Under New Schedule

COME NOW the plaintiff and defendant and move this Court for entry of an Order re-opening this case for the purpose of establishing a new schedule herein. In support of this application to reopen, the parties show the following:

1. The parties have reached an agreement to arbitrate their disputes only in the forum state of Oklahoma.
2. On April 30, 2007, the Court entered its Order which established a 60 day deadline in this case, as follows: "If the parties have not reopened this case within 60 days of this date, Plaintiff's action shall be deemed to be dismissed with prejudice."
3. The parties have agreed to participate in an arbitration of their disputes through procedures which will involve the conduct of discovery and which arbitration is set to occur before an arbitrator no later than December 1, 2007.
4. Any schedule which the Court desires to impose in this case should permit the parties at least through and until December 1, 2007 for the completion of their anticipated, agreed arbitration proceedings; and

5. Each party requests that this matter be closed administratively pending any order to reopen if any party is required to seek judicial assistance related to the entry of any arbitration award.
6. The parties respectfully request that the Court not impose upon the parties any automatic dismissal with prejudice during any time, or, if at all, not sooner than June 30, 2008.

WHEREFORE, the plaintiff and defendant request that this Court re-open this matter because of their agreement to resolve same by binding arbitration, and that the Court enter an order allowing the case to be reopened any time prior to June 30, 2008, if and only if any party seeks to enforce or contest an arbitration award between them.

s/ H. Craig Pitts

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